

JANET M. HEROLD
Regional Solicitor
SUSAN SELETSKY
Counsel for FLSA
NORMAN E. GARCIA (Cal Bar. No. 215626)
Senior Trial Attorney
UNITED STATES DEPARTMENT OF LABOR
Office of the Solicitor
90 7th Street, Suite 3-700
San Francisco, California 94103
Telephone: (415) 625-7747
Facsimile: (415) 625-7772
email: garcia.norman@dol.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THOMAS E. PEREZ, Secretary of Labor,
United States Department of Labor,

Plaintiff,

vs.

SEAFOOD PEDDLER OF SAN RAFAEL,
INC., dba SEAFOOD PEDDLER, a
corporation; ALPHONSE SILVESTRI, an
individual, RICHARD MAYFIELD, an
individual, and FIDEL CHACON, an
individual,

Defendants.

)
) Case Number: 12-cv-0116 (WHO/NC)

)
) ~~PROPOSED~~ ORDER SETTING A NEW
) DOCUMENT PRODUCTION DATE AND
) JUDGMENT DEBTOR'S EXAMINATION
) DATES OF DEFENDANTS ALPHONSE
) SILVESTRI AND SEAFOOD PEDDLER
) OF SAN RAFAEL, INC.

1 The Secretary filed an ex parte motion under Fed. R. Civ. P. 69(a)(2) and Cal Code Civ.
2 P. § 708.110(a) to compel the attendance of judgment debtors Seafood Peddler of San Rafael,
3 Inc. and Alphonse Silvestri at judgment debtor's examinations before the Court. On August 13,
4 2015, I granted this motion and ordered Seafood Peddler of San Rafael, Inc. and Alphonse
5 Silvestri to produce documents to the Secretary's Counsel by September 10, 2015, and to appear
6 for their respective Judgment Debtor Exams on September 17 and 24, 2015.

7 Both Judgment Debtors failed to produce any documents or appear for their
8 examinations. The Secretary's proposed a new document production date and new debtor
9 examination dates.

10 Good cause appearing, the Secretary's proposed new judgment debtor's document
11 production date and new judgment debtor examination dates are hereby GRANTED.

12 A representative of Defendant Seafood Peddler of San Rafael, Inc. designated under Fed.
13 R. Civ. P. 30(b)(6) shall appear on December 3, 2015, at 8:30 a.m. at the United States District
14 Court for the Northern District of California, 450 Golden Gate Ave., San Francisco, CA 94102,
15 in courtroom F before Magistrate Judge Jacqueline Corley for a judgment debtor's examination.

16 Defendant Alphonse Silvestri shall appear on December 10, 2015, at 8:30 a.m. at the
17 United States District Court for the Northern District of California, 450 Golden Gate Ave., San
18 Francisco, CA 94102, in courtroom F before Magistrate Judge Jacqueline Corley for a judgment
19 debtor's examination.

20 Defendants Silvestri and Seafood Peddler (herein referred to as "the judgment debtor")
21 shall produce the following documents such that the Secretary's Counsel, Norman E. Garcia,
22 receives them by November 12, 2015, at his 90 Seventh St., Suite 3-700, San Francisco,
23 California, 94103, address:

- 24 1) All documents reflecting ownership of real property by the judgment debtor;
- 25 2) All documents reflecting real property held in trust in which the judgment debtor has
26 any interest;
- 27 3) All documents reflecting real or personal property disposed of or transferred to another
28

1 person or entity by the judgment debtor from January 1, 2010 through the present;

2 4) All documents reflecting encumbrances or liens against real property owned by the
3 judgment debtor;

4 5) All documents reflecting encumbrances or liens by the judgment debtor against real
5 property owned by another;

6 6) All property tax assessments from January 1, 2010 through the present for any real
7 property owned by judgment debtor or in which the judgment debtor paid the property tax
8 assessments;

9 7) All appraisals of the judgment debtor's real property from January 1, 2010 through the
10 present;

11 8) All title reports on the debtor's real property from January 1, 2010 through the present;

12 9) All documents reflecting real and personal property held by others for the judgment
13 debtor;

14 10) All documents reflecting ownership of personal property, including any appraisal of
15 such property;

16 11) All documents reflecting ownership of automobiles, trailers, boats, airplanes, tractors,
17 or other construction equipment by the judgment debtor including any appraisal of these items;

18 12) All documents reflecting ownership of stocks, bonds or other securities by the judgment
19 debtor;

20 13) All documents reflecting any ownership or beneficial interest in any business by the
21 judgment debtor;

22 14) All banking records from January 1, 2010 to the present, including all documents
23 reflecting ownership or beneficial interests in bank accounts for the judgment debtor;

24 15) All state and federal tax returns, including all attachments, for the judgment debtor for
25 2010 through the present;

26 16) All documents reflecting the location and/or contents of any safe deposit boxes owned
27 or controlled by the judgment debtor;

- 1 17) All documents reflecting any insurance policy held by the judgment debtor;
- 2 18) All documents reflecting any judgment the judgment debtor owns against a third party;
- 3 19) All complaints and answers wherein the judgment debtor has been a party from January
- 4 1, 2010 through the present;
- 5 20) All documents reflecting legacies or bequests owed to the judgment debtor or expected
- 6 to be paid to the judgment debtor;
- 7 21) All financial statements maintained by or prepared for the judgment debtor from
- 8 January 1, 2010 through the present;
- 9 22) All contracts, patents, trademarks or other intangible property owned by the judgment
- 10 debtor.
- 11 23) All bankruptcy filings, including all attachments, for the judgment debtor from January
- 12 1, 2010 through the present;
- 13 24) All credit card statements that the judgment debtor received from January 1, 2010
- 14 through the present and all payments made by anyone in response to those credit card statements;
- 15 25) All receipts of any purchases of \$250 or more that either the judgment debtor made or
- 16 that was made on behalf of the judgment debtor from January 1, 2010 through the present;
- 17 26) All documents detailing any membership in any organization that the judgment debtor
- 18 has, including, but not limited to, restaurant association, country club, Kiwanis Club, Lion Club,
- 19 etc., from January 1, 2010 through the present;
- 20 27) All documents relating to purchase of tickets for sporting events that the judgment
- 21 debtor made or which were made on the judgment debtor's behalf, including, but not limited to,
- 22 football, basketball, baseball, hockey or soccer games; Nascar Racing; America's Cup; etc.; from
- 23 January 1, 2010 through the present;
- 24 28) All documents relating to gambling the judgment debtor engaged, including, but not
- 25 limited to, gambling in a casino, in Nevada, on sporting events, on horses, etc., from January 1,
- 26 2010 through the present;
- 27 29) All documents relating to any loan applications the judgment debtor made or that were
- 28

1 made on behalf of the judgment debtor, including but not limited to, real property loans, credit
2 card applications, lines of credit, etc., from January 1, 2010 through the present;

3 30) All documents wherein the judgment debtor was a guarantor, endorser or co-maker
4 from January 1, 2010 through the present;

5 31) All documents identifying any debts that is currently owed to the judgment debtor; and

6 32) All documents reflecting loans or mortgages owned by the judgment debtor;

7
8 In addition, Defendant Seafood Peddler shall produce the following documents such that
9 the Secretary's Counsel, Norman E. Garcia, receives them by November 12, 2015, at his 90
10 Seventh St., Suite 3-700, San Francisco, California, 94103, address:

11 33) All documents reflecting ownership of inventory, materials, equipment, tools, fixtures,
12 or other similar personal property by the judgment debtor;

13 34) All profit and loss statements for the judgment debtor from 2010 through the present;

14 35) All balance and income statements for the judgment debtor from 2010 through the
15 present;

16 36) All corporate financial statements for the judgment debtor from 2010 through the
17 present;

18 37) All general and subsidiary ledgers for the judgment debtor from 2010 through the
19 present;

20 38) All business operating licenses or permits, including but not limited to liquor licenses,
21 environmental permits or other specialized business permits, owned by the judgment debtor;

22 39) All documents reflecting ownership by shareholders or parent corporations of the
23 judgment debtor;

24 40) All documents reflecting the identities of any corporate officer, director, or shareholder
25 of the judgment debtor from 2010 through the present; and

26 41) All documents reflecting accounts, rents, loans or mortgages receivable owned by the
27 judgment debtor.

1 In addition, Defendant Silvestri shall produce the following documents such that the
2 Secretary's Counsel, Norman E. Garcia, receives them by November 12, 2015, at his 90 Seventh
3 St., Suite 3-700, San Francisco, California, 94103, address:

4 42) All wage statement/payroll stubs that the judgment debtor received from January 1,
5 2010 through the present;

6 43) All pension plan and 401k distributions the judgment debtor received from January 1,
7 2010 through the present; and

8 44) All social security payments the judgment debtor received from January 1, 2010
9 through the present.

10
11 Notice provided pursuant to Cal. Code Civ. P. § 708.110(d):

12 **NOTICE TO JUDGMENT DEBTOR. If you fail to appear at the time**
13 **and place specified in this order, you may be subject to arrest and punishment**
14 **for contempt of court and the court may make an order requiring you to pay**
15 **the reasonable attorney's fees incurred by the judgment creditor in this**
16 **proceeding.**

17
18 IT IS SO ORDERED.

19 Dated: September 30, 2015
20 _____

21 
JACQUELINE S. CORLEY
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28